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SENATE BILL 517

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Ben D. Altamirano

AN ACT

RELATING TO GAMING; PROVIDING FOR FLEXIBLE HOURS OF OPERATION OF GAMING MACHINES, BINGO OR PULL TABS FOR GAMING OPERATORS THAT ARE NONPROFIT ORGANIZATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 60-2B-8 NMSA 1978 (being Laws 1981, Chapter 259, Section 8) is amended to read:

"60-2B-8. PERSONS PERMITTED TO CONDUCT GAMES--PREMISES--EQUIPMENT--EXPENSES [~~COMPENSATION~~].--

A. No person shall hold, operate or conduct any games of chance under [~~any~~] a license issued under the Bingo and Raffle Act, except an active member of the organization to which the license is issued [~~and~~]. No person shall assist in the holding, operating or conducting of any games of chance under that license, except a person who is an active member or

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1 a member of an organization or association [~~which~~] that is an
2 auxiliary to the licensee, a member of an organization or
3 association of which the licensee is an auxiliary or a member
4 of an organization or association [~~which~~] that is affiliated
5 with the licensee by being, with it, auxiliary to another
6 organization or association and except [~~bookkeepers or~~
7 ~~accountants~~] a person who is a bookkeeper or an accountant as
8 provided in this section. No item of expense shall be incurred
9 or paid in connection with the holding, operating or conducting
10 of [~~any~~] a game of chance held, operated or conducted pursuant
11 to [~~any~~] a license issued under that act, except bona fide
12 expenses in reasonable [~~amount~~] amounts for goods, wares and
13 merchandise furnished or services rendered, reasonably
14 necessary for the holding, operating or conducting [~~thereof~~] of
15 the game. No games of chance shall be conducted with [~~any~~]
16 equipment except that which is owned or leased by the licensee.

17 B. The officers of a licensee shall designate a
18 bona fide active member of the licensee to be in charge of and
19 primarily responsible for the conduct of the games of bingo or
20 lotto on each occasion. The member in charge shall supervise
21 all activities on the occasion for which [~~he~~] the member is in
22 charge and be responsible for the making of the required
23 report. The member in charge shall be familiar with the
24 provisions of the state laws, the rules and regulations of the
25 licensing authority and the provisions of the license. [~~He~~]

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1 The member in charge shall be present on the premises
2 continuously during the games and for a period of at least
3 thirty minutes after the last game.

4 C. The officers of a licensee shall designate an
5 officer to be in full charge and primarily responsible for the
6 proper utilization of the entire net proceeds of any game in
7 accordance with state law.

8 D. The entire net proceeds of any game shall be
9 devoted to a lawful use [~~or uses~~].

10 E. Each license issued for the conduct of games of
11 chance shall be conspicuously displayed at the place where
12 [~~any~~] a game is being conducted at all times during the conduct
13 of the game and for at least thirty minutes after the last game
14 has been concluded.

15 F. The premises where [~~any~~] a game of chance is
16 being held, operated or conducted or where it is intended that
17 any equipment be used shall at all times be open to inspection
18 by the licensing authority, its agents and employees and by
19 peace officers of [~~any~~] a political subdivision of the state.

20 G. No licensee may hold, operate or conduct a game
21 of bingo or lotto more often than on two hundred sixty
22 occasions in [~~any~~] a calendar year.

23 H. When [~~any~~] a merchandise prize is awarded in a
24 game of bingo, its value shall be its current retail price. No
25 merchandise prize shall be redeemable or convertible into cash

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1 directly or indirectly.

2 I. Equipment, prizes and supplies for games of
3 bingo shall not be purchased or sold at prices in excess of the
4 usual price [~~thereof~~] of the equipment, prizes and supplies.

5 J. The aggregate amount of all prizes offered or
6 given in all games played on a single occasion shall not exceed
7 [~~one thousand five hundred dollars (\$1,500)] three thousand
8 dollars (\$3,000), which shall be exclusive of pull tabs.~~

9 K. No games shall be conducted more than five times
10 in any one calendar week, with no game lasting more than four
11 hours on each occasion and not more than two occasions in one
12 calendar day by any one licensee. For licensees that are also
13 nonprofit gaming operator licensees licensed pursuant to the
14 Gaming Control Act, the licensee may sell pull tabs anywhere on
15 its premises during the hours in which gaming machines may be
16 operated.

17 L. The net profits derived from the holding of
18 games of chance [~~must~~] shall be devoted to the lawful purposes
19 of the organization permitted to conduct the games. [~~Any~~] An
20 organization desiring to hold the net profits of games of
21 chance for a period longer than one year [~~must~~] shall apply to
22 the licensing authority for special permission, and, upon good
23 cause shown, the authority shall grant the request.

24 M. [~~Any~~] A licensee [~~which~~] that does not report,
25 during any one-year period, net profits [~~will~~] shall be

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1 required to show cause before the licensing authority why its
2 right to conduct games of bingo should not be revoked.

3 N. No person shall assist in the holding, operating
4 or conducting of a bingo game under ~~[any]~~ a license except bona
5 fide active members of the licensee, active members of ~~[any]~~ an
6 organization ~~[which]~~ that is an auxiliary to the licensee or
7 active members of an organization ~~[which]~~ that is affiliated
8 with the licensee by being, with it, auxiliary to another
9 organization.

10 O. The equipment used in the playing of bingo and
11 the method of play shall be such that each card has an equal
12 opportunity to be a winner. The objects or balls to be drawn
13 shall be essentially the same as to size, shape, weight,
14 balance and all other characteristics that may influence their
15 selection. All objects or balls shall be present in the
16 receptacle before each game is begun. All numbers announced
17 shall be plainly and clearly audible to all the players
18 present. Where more than one room is used for ~~[any]~~ one game,
19 the receptacle and the caller ~~[must]~~ shall be present in the
20 room where the greatest number of players are present, and all
21 numbers announced shall be plainly audible to the players in
22 the ~~[aforesaid]~~ room where the receptacle and caller are and
23 ~~[also]~~ audible to the players in the other rooms. A fair and
24 equal chance shall be given to all participants, and ~~[any]~~ a
25 licensee, its representative, agent or employees whose acts or

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1 action may tend to negate the "right of equal chance" shall
2 constitute grounds for revoking [~~such~~] the license.

3 P. The receptacle and the caller who removes the
4 objects or balls from the receptacle [~~must~~] shall be visible to
5 all the players at all times, except where more than one room
6 is used for [~~any~~] one game, in which case the provisions of
7 Subsection O of this section shall prevail.

8 Q. The particular arrangement of numbers required
9 to be covered in order to win the game and the amount of the
10 prize shall be clearly and audibly described and announced to
11 the players immediately before each game is begun.

12 R. [~~Any~~] A player is entitled to call for a
13 verification of all numbers drawn at the time a winner is
14 determined and for a verification of the objects or balls
15 remaining in the receptacle and not yet drawn. The
16 verification shall be made in the immediate presence of the
17 member designated to be in charge of the occasion [~~but~~] or, if
18 [~~such~~] that member is also the caller, [~~then~~] in the immediate
19 presence of [~~any~~] an officer of the licensee.

20 S. In the playing of bingo, no person who is not
21 physically present on the premises where the game is actually
22 conducted shall be allowed to participate as a player in the
23 game.

24 T. No person shall act as a caller in the conduct
25 of [~~any~~] a game of bingo unless [~~he~~] the person has been a

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1 member in good standing of the licensee conducting the game or
2 one of its licensed auxiliaries for at least six months
3 immediately prior to the date of [~~such~~] the game, is of good
4 moral character and has never been convicted of a felony.

5 U. No owner, co-owner or lessee of the premises
6 [~~or~~] and, if a corporation is the owner of the premises, [~~any~~]
7 no officer, director or stockholder owning more than ten
8 percent of the outstanding stock shall be a person responsible
9 for or assisting in the holding, operating or conducting of
10 [~~any~~] a game of bingo."

11 Section 2. Section 60-2E-28 NMSA 1978 (being Laws 1997,
12 Chapter 190, Section 30, as amended) is amended to read:

13 "60-2E-28. GAMING OPERATOR LICENSEES--SPECIAL CONDITIONS
14 FOR NONPROFIT ORGANIZATIONS--NUMBER OF GAMING MACHINES--DAYS
15 AND HOURS OF OPERATIONS.--

16 A. A nonprofit organization may be issued a gaming
17 operator's license to operate licensed gaming machines on its
18 premises to be played only by active and auxiliary members.

19 B. No more than fifteen gaming machines may be
20 offered for play on the premises of a nonprofit organization
21 gaming operator licensee.

22 C. [~~No~~] A gaming machine on the premises of a
23 nonprofit organization gaming operator licensee [~~may~~] shall not
24 award a prize that exceeds four thousand dollars (\$4,000).

25 D. Gaming machines may be played on the premises of

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1 a nonprofit organization gaming operator licensee [~~from 12:00~~
2 ~~noon until 12:00 midnight~~] every day, provided that gaming
3 machines are not operated for more than twelve hours on any
4 day. A nonprofit organization gaming operator licensee shall
5 notify the board at the time it renews its license of the hours
6 during which that nonprofit organization plans to allow the
7 operation of gaming machines on its premises. A nonprofit
8 organization gaming operator licensee may change the hours it
9 plans to allow operation of gaming machines by submitting a
10 change in hours for approval to the board prior to the first
11 day of the month in which the change is to become effective."

12 Section 3. EFFECTIVE DATE.--The effective date of the
13 provisions of this act is July 1, 2007.

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